

May 31, 1934.

Mr. R. W. Ward,
Member, Board of Trustees,
Wellton School District No. 24,
Wellton, Arizona.

Dear Sir:

This is in response to your letter of May 17, 1934, in which you seek an opinion of the Attorney General upon three questions, which I shall restate as follows:

1. May the Board of Trustees raise the salaries of the present teaching staff for the 1934-35 school year in the amount of \$105.00, provided said teachers attend summer school commencing June 10th, 1934?
2. May the school district pay its teachers on the basis of twelve monthly installments instead of the actual teaching months?
3. Is it compulsory for a school district to carry insurance in the Arizona Compensation Fund?

You have stated in your letter in effect that your county attorney has advised you in the negative upon questions No. 1 and 2 stated above. Under certain circumstances, the answer to both of these questions should be in the negative. I must presume that your county attorney had all of the facts under consideration when he rendered his opinion, therefore, I shall not disturb his opinion. There seems to be no provision in our laws whereby a Board of Trustees may require, by contract or otherwise, a teacher to attend summer school. Therefore, the payment of \$105.00 in consideration of the teacher's attending summer school would be illegal. As to whether a school district may pay its teachers in twelve monthly installments depends upon the particular undertaking and the writer will correspond with your county attorney concerning this phase of your request.

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In response to question No. 3, I will advise that Section 1425, R. C. A. 1928, provides that:

"The state and each county, city, town, municipal corporation or school district which is liable to its employees for compensation must insure in the state compensation fund."

and Section 1418 provides:

"The following employers shall be subject to the provisions of this article: The state, and each county, city, town, municipal corporation and school district therein;
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The Attorney General is of the opinion that your school district must insure in the State Insurance Fund, which fund is administered by the Industrial Commission. I will add that the Industrial Commission has its own attorney and our laws prohibit the Attorney General from advising that department.

Very truly yours,

Attorney General,

By Assistant Attorney General.

PHE/cn